

# **EXHIBIT 5**

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*Co-Lead Class Counsel*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE  
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

Master Docket No. 11-CV-2509-LHK

**DECLARATION OF LINDA P. NUSSBAUM  
IN SUPPORT OF PLAINTIFFS' MOTION  
FOR ATTORNEYS' FEES,  
REIMBURSEMENT OF EXPENSES, AND  
SERVICE AWARDS**

1 I, Linda P. Nussbaum, declare:

2 1. I am an attorney licensed to practice in the State of New York. I am a partner at  
3 the firm of Grant & Eisenhofer PA ("G & E"), Counsel for the Class Representatives and for the  
4 proposed Settlement Class. I have personal knowledge of the facts set forth herein and could  
5 competently testify to them if called as a witness.

6 2. G & E is one of the largest and most respected plaintiffs' class action firms in the  
7 nation. Over the past five years alone, the firm has obtained recoveries totaling over \$12.5 billion  
8 for plaintiffs in cases in which the firm served as lead or co-lead counsel. I am chair of the firm's  
9 antitrust practice, and have served as lead or co-lead counsel in numerous complex antitrust class  
10 actions, in which I have obtained precedent-setting victories and achieved substantial recoveries  
11 for plaintiff classes.

12 3. To advance this litigation, G & E paid certain costs totaling \$177,623.71 up  
13 through October 30, 2013 (the date of Preliminary Settlement Approval). Those costs consisted  
14 of contributions to the joint litigation fund of Class Counsel ("Litigation Fund") as well as costs  
15 paid separately by G & E, as set forth below.

16 4. The Litigation Fund was designed to pay common external costs, such as expert  
17 fees, court reporting expenses for deposition transcripts, and vendor fees for our electronic  
18 platform for review and storage of documents produced in the course of discovery. G & E  
19 contributed \$140,000.00 to the Litigation Fund as-of October 30, 2013. Further details regarding  
20 the Litigation Fund are described in the accompanying Declaration of Kelly M. Dermody In  
21 Support of Plaintiffs' Motion for Attorneys' Fees, Reimbursement of Expenses and Incentive  
22 Awards.

23 5. In addition, G & E paid separately \$37,623.71 for certain costs that were not paid  
24 for by the Litigation Fund, including copying documents, travel, electronic computer research,  
25 faxing, and mailing charges, printing, telephone service, and other expenses. These expenses are  
26 summarized in a chart provided in Attachment 1.

27 6. G & E incurred the costs described herein on behalf of Plaintiffs on a contingent  
28 basis, and has not been reimbursed. The records of these costs are reflected in G & E's books and

1 records. I have reviewed the expenses reported by G & E in this case that are included in the  
2 Motion for Attorneys' Fees, Reimbursement of Expenses, and Incentive Awards, and I affirm that  
3 they are true and accurate.

4 \* \* \*

5  
6 I declare under penalty of perjury under the laws of the United States and the State of New  
7 York that the foregoing is true and correct to the best of my knowledge and that this declaration  
8 was executed in New York, New York on March 3, 2014.

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Linda P. Nussbaum

**Attachment 1**  
**In re High-Tech Employees Antitrust Litigation**  
**Grant & Eisenhofer PA**  
**Reported Expenses Incurred on Behalf of Plaintiffs**  
**Inception Through October 30, 2013**

<b>Reported Expenses (By Type)</b>	<b>Amount Incurred</b>
Computer Research	\$2,544.26
Copying/Reproduction	\$3,926.57
Delivery/Courier Service	N/A
Facsimile	N/A
Federal Express	N/A
In-House Print	N/A
Postage	\$298.29
Supplies	N/A
Telephone	\$173.30
Travel	\$23,412.48
Service Fees	\$227.85
Filing Fee	\$608.01
Outside IT Services	\$3,283.00
E-Discovery Processing Services	\$1,532.45
E-Discovery Hosting Services	\$1,617.50
<b>Total:</b>	<b>\$37,623.71</b>